

UNITED STATES COURT OF APPEALS

DISTRICT OF COLUMBIA CIRCUIT

333 Constitution Avenue, NW
 Washington, DC 20001-2866
 Phone: 202-216-7000 | Facsimile: 202-219-8530

AGENCY DOCKETING STATEMENT

Administrative Agency Review Proceedings (To be completed by appellant/petitioner)

1. CASE NO. 18-1001 2. DATE DOCKETED: 1-2-18
3. CASE NAME (lead parties only) Cayuga Medical Center v. National Labor Relations Board
4. TYPE OF CASE: ☒ Review ☐ Appeal ☐ Enforcement ☐ Complaint ☐ Tax Court
5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? ☐ Yes ☒ No
 If YES, cite statute _____
6. CASE INFORMATION:
 - a. Identify agency whose order is to be reviewed: NLRB
 - b. Give agency docket or order number(s): 03-CA-159354 et al./ Decision No. 365 NLRB No.170
 - c. Give date(s) of order(s): December 16, 2017
 - d. Has a request for rehearing or reconsideration been filed at the agency? ☐ Yes ☒ No
 If so, when was it filled? _____ By whom? _____
 Has the agency acted? ☐ Yes ☐ No If so, when? _____
 - e. Identify the basis of appellant's/petitioner's claim of standing. See D.C. Cir. Rule 15(c)(2):
See attached Statement of Standing
 - f. Are any other cases involving the same underlying agency order pending in this Court or any other?
☒ Yes ☐ No If YES, identify case name(s), docket number(s), and court(s)
NLRB v. Cayuga Medical Center at Ithaca, DC Circuit Court of Appeals, 18-1036
 - g. Are any other cases, to counsel's knowledge, pending before the agency, this Court, another Circuit Court, or the Supreme Court which involve *substantially the same issues* as the instant case presents?
☐ Yes ☒ No If YES, give case name(s) and number(s) of these cases and identify court/agency: _____
 - h. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? ☐ Yes ☒ No If YES, provide program name and participation dates. _____

Signature /s/ Raymond J. Pascucci Date 2/5/18

Name of Counsel for Appellant/Petitioner Raymond J. Pascucci

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ATTACH A CERTIFICATE OF SERVICE

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement.

ATTACHMENT A**STATEMENT OF STANDING**

Cayuga Medical Center at Ithaca, Inc. (“CMC”) is an employer within the meaning of Section 2(2) of the Act, 29 U.S.C. § 152(2). The National Labor Relations Board’s General Counsel issued a complaint alleging that CMC engaged in certain unfair labor practices under Sections 8(a)(1) and (3) of the Act. The Board subsequently issued an order finding that CMC had engaged in certain unfair labor practices. The Board’s order directs that CMC cease and desist from such conduct, rescind or revise certain policies, post a Notice to Employees and hold a meeting to read the Notice to employees, and correct adverse performance evaluations and provide reinstatement to certain positions and make whole certain employees. CMC is an “aggrieved” party within the meaning of Section 10(f) of the Act, 29 U.S.C. § 160(f), and has standing under that seek review of Board’s final order in this court.

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

CAYUGA MEDICAL CENTER AT ITHACA, INC.,

Petitioner,

v.

Case No. 18-1001

NATIONAL LABOR RELATIONS BOARD,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2018, I electronically filed the foregoing Docketing Statement Form (with Exhibit A); Certificate of Parties, Rulings, and Related Cases; Statement of Issues; Deferred Appendix Statement; and Underlying Decision (with Exhibit A) with the Clerk of the U.S. Court of Appeals for the District of Columbia Circuit for service on:

Linda Dreeben
Appellate and Supreme Court Litigation Branch
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

A true copy of the above referenced document was also sent by First Class U.S. Mail, postage prepaid, to the following:

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